

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MUKESH SINGH,)	CASE NO. C07-1396-JLR-MAT
)	
Petitioner,)	
)	
v.)	ORDER DENYING REQUEST TO
)	SUBSTITUTE PETITIONERS
MICHAEL CHERTOFF, et al.,)	
)	
Respondents.)	
_____)	

On October 5, 2007, Carlos Rodriguez, Primitivo Coria-Cedeno, Mukesh Singh, Mamadou Diallo, and David Njenga jointly filed a “Petition for Bail Hearing pursuant to Kim v. Zigler,” which the Court separated into five different actions. *See* Case Nos. C07-1613-MJP-JPD, C07-1611-RSL-MJB, C07-1601-RSM-JPD, C07-1616-RSM-MAT, and 07-1612-TSZ-JPD. Because petitioner Mukesh Singh already had a habeas petition pending which presented identical issues of law and fact, the Court consolidated Mr. Singh’s two habeas cases, C07-1396-JLR-MAT and C07-1612-TSZ-JPD, under case number C07-1396-JLR-MAT.

On November 7, 2007, petitioners Augusto Hernandez-Cesar, Primitivo Coria-Cedeno, Angrej Singh, and Mamdou Diallo, jointly filed the instant “Petition for Bail Hearing Pursuant to

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01 Kim v. Zigler,” without referencing any case number. The instant petition states that in the prior
02 petition, Andrej Singh’s name was erroneously written as Mukesh Singh, and that Augusto
03 Hernandez-Cesar’s name was erroneously written as Carlos Rodriguez. The petition asks the
04 Court to “please change to reflect the collect [sic] names and alien numbers.” Based upon a
05 review of the petition, the Court hereby finds and orders:

06 (1) The request that the Court substitute Andrej Singh for Mukesh Singh in this matter
07 is DENIED. The power of the District Court to grant a petition for writ of habeas corpus is
08 provided by 28 U.S.C. § 2241(a) (“writs of habeas corpus may be granted by . . . the district
09 courts . . . within their respective jurisdictions.”). The party seeking to invoke federal jurisdiction
10 has the burden of demonstrating that the exercise of that jurisdiction is proper. *See, e.g., Sissoko*
11 *v. Rocha*, 440 F.3d 1145, 1161 (9th Cir. 2006). “The writ of habeas corpus shall not extend to
12 a prisoner unless . . . [h]e is in custody in violation of the Constitution or laws or treaties of the
13 United States.” 28 U.S.C. § 2241(c)(3). An “[a]pplication for a writ of habeas corpus shall be
14 in writing signed and verified by whose relief it is intended . . . [and] shall allege the facts
15 concerning the applicant’s . . . detention, the name of the person who has custody over him and
16 by virtue of what claim or authority, if known.” 28 U.S.C. § 2242. ” *See* 28 U.S.C. § 2242.

17 Decisions regarding claims for release from detention must be made on a case-by-case
18 basis after considering the particular circumstances of each individual petitioner. Furthermore,
19 claims for release from detention are more properly brought in separate habeas corpus actions,
20 alleging facts concerning the applicant’s detention. Accordingly, the Court may not merely
21 substitute one petitioner’s name and alien number for another. Petitioner Mukesh Singh may
22 voluntarily dismiss his habeas petition by filing a notice of dismissal with the Court. *See* Fed. R.

01 Civ. P. 41. Petitioner Angrej Singh may seek habeas relief in this Court only by filing a petition
02 for writ of habeas corpus pursuant § 2241.

03 (2) The Clerk of the Court is directed to send a copy of this order to petitioner, and
04 to the Honorable James L. Robart.

05 DATED this 14th day of November, 2007.

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07 Mary Alice Theiler
08 United States Magistrate Judge
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